

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARVIN CLARK,)
Plaintiff,) Case No.: 7:12-cv-566
v.)
NEW ENGLAND COMPOUNDING)
PHARMACY, INC. d/b/a)
NEW ENGLAND COMPOUNDING CENTER,)
and)
IMAGE GUIDED PAIN MANAGEMENT, P.C.)
d/b/a INSIGHT IMAGING-ROANOKE,)
Defendants.)

**PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE
RESPONSIVE BRIEFS IN OPPOSITION**

Plaintiff Marvin Clark, by counsel, respectfully moves the court to enlarge the time within which he must file his briefs responsive to defendant Image Guided Pain Management, P.C.'s Motion to Dismiss for Failure to State a Claim Upon which Relief can be Granted, and Motion to Dismiss for Lack of Subject Matter Jurisdiction, and in support thereof states the following:

1. On February 22, 2013 Image Guided Pain Management filed its Motion to Dismiss for Lack of Subject Matter Jurisdiction and supporting memorandum, and its Motion to Dismiss for Failure to State a Claim upon which Relief Can Be Granted and supporting memorandum.
2. Pursuant to Local Rule 11(c) plaintiff must file his responsive briefs no later than March 8, 2013.

3. Plaintiff's counsel wishes to enlarge the time period within which to file responsive briefs, to March 18, 2013.

4. Oral argument on both motions is currently scheduled for March 25, 2013.

5. Counsel for Image Guided Pain Management has no objection to plaintiff's request for enlargement of time.

6. Counsel for New England Compounding Pharmacy, Inc. cites the Bankruptcy stay currently in effect and takes no position on plaintiff's motion.

WHEREFORE, plaintiff respectfully requests that the court enter an order enlarging the time period within which to response to Image Guided Pain Managements motions to dismiss to March 18, 2013.

Respectfully submitted,

MARVIN CLARK

By: /s/ Patrick T. Fennell
Counsel

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Counsel for plaintiff.

Certificate of Service

The undersigned hereby certifies that on this 5th day of March, 2013, a true and complete copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, by which electronic notice of such filing was sent to michael.gardner@leclairryan.com, counsel for Image Guided Pain Management, P.C. d/b/a Insight Imaging-Roanoke, and to rebecca.herbis@bowmanandbrooke.com, counsel for New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

/s/ Patrick T. Fennell